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March 7, 1994

U.S. Environmental Protection Agency
Attn: Vanessa Mbogo
77 West Jackson - 5MF-10J
Chicago, IL 60604

RE: Himco Dump Site
Account No. 4T131
Site No. 4J

Dear Ms. Mbogo:

I am in receipt of Mary Ellen Ryan's letter requesting payment of an invoice for costs incurred by the U.S. Environmental Protection Agency (EPA) for oversight of removal activity performed pursuant to an Administrative Order by Consent (Docket No. V-W-92-C-152). Paragraph 16 of the Consent Order called for Himco, the Respondent, to pay "... all oversight costs of the United States related to this removal action ...". Before paying these funds we would ask that you review the computation of the oversight costs as they relate to the removal action. The supporting data sent with your letter covered time periods from early 1990 through the last portion of 1993. Himco first received notice of the problem relating to the removal action in May of 1992, and all work regarding the removal action, including the filing of all final reports, was completed by September of 1992. Outside of that time range, there was no activity or contact with either me or my clients regarding the removal action at this Site. We believe that time and expenses related to other aspects of the Himco Dump NPL Site, including the identification of PRPs, preparation for and attendance at public hearings, completion of the Record of Decision, as well as other items, may have been inadvertently included in Himco's bill for the emergency response. I would appreciate your reviewing this question. As soon as we can reach a satisfactory conclusion regarding the amount owed, my clients will forward the appropriate payment to the EPA. Thank you for your continued consideration in this matter. If there are any questions that I can answer regarding our request for review please let me know.

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Respectfully,

BARNES & THORNBURG

Richard W. Paulen

RWP:sks

cc: Mr. Thomas Nash ✓

Mr. Charles H. Himes

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